IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 18171 of 1993

Between:

1. N. Sunder Rao
2. P.C.Badraiah..died per LR

Smt Venkata Narsamma(sister)

3. S.Deva Sahayam
4. M.Bhaskar Rao
5. V.Arogya Rao

..... PETITIONERS

AND

1. The Presiding Officer, Labour Court, Guntur
2. The Employer,East Coast Flour Mills, Tadepally,

Mangalagiri Tq. Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for records from the first respondent and issue a writ, order or direction particularly one in the nature of writ of certiorari and quash the common award passed by the first respondent dated 15.12.1992, published on 29.3.1993 in I.D. No. 39/85, I.D.No.40/85, I.D. No. 41/85, I.D. No. 43/85, and

I.D.No.44/85 holding the same as illegal, unjust, contrary to law and perverse and to grant consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent 2: GP for LABOUR

The Court made the following :

**O R D E R:**

This Writ Petition is filed seeking writ of certiorari and to quash the common Award, dated 15-12-1992 passed by the Presiding Officer, Labour Court, Guntur in I.D.Nos. 39/1985, 40/1985, 41/1985, 43/1985 and 44/1985 published in the Gazette dated 29-03-1993.

2. It is the case of the petitioners that they are the workmen employed by the second respondent, East-Coast Flour Mills, Tadepally, Mangalagiri taluk, Guntur District. It is the case of the petitioners that they were employed by the second respondent and their services were terminated without following the procedure laid down under Section 25-N of the Industrial Disputes Act. Therefore, the following references were made by the Government under Section 10(1) (c) of the Industrial Disputes Act through its G.O.Ms.Nos. pertaining to the disputes of the following workmen to decide the points:

1. Whether the retrenchment of the workman by the management of East Coast Flour Mills, Tadepalli is legal?

2. (2) If not to what relief each workman is entitiled?

Sl.No. I.D.No. Name of the workman G.O.Ms.Nos. & date

1. 39/85 Sri N.Sunder Rao 119, Labour Employment

Nutrition & Technical Education(Lab.I)Dept.

Dated:19.1.1985

2. 40/85 Sri P.C.Bhadraiah 120,Labour Employment

Nutrition & Technical Education(Lab.I) Dept.

Dated:19.1.1985.

3. 41/85 Sri Devadasahayam 121, Labour Employment

Nutrition & Technical Education(Lab.I)Dept.

Dated:19.1.1985.

4. 43/85 Sri M.Bhaskararao 135, Labour Employment

Nutrition & Technical Education(Lab.I) Dept.

Dated:21.1.1985.

5. 44/85 Sri V.Arogyarao 136, Labour Employment

Nutrition & Technical Education(Lab.I)Dept.

Dated:21.1.1985.

The matter was contested by the management and that the management sought to establish that the retrenchment effect was legal and valid.

3. Before the Presiding Officer, Labour Court, Guntur, two witnesses were examined for the Workmen and Ex.W.1 was marked. For the management, one witness was examined as M.W.1 and Exs:M.1 to M.42 were marked.

4. The learned Tribunal after considering the matter held that the acts of the management in retrenching the workmen was justified and the same was in compliance with Sections 25(F) and 25(G) of the Act and accordingly passed

the Award, dated 15-12-1992 against the workmen. Aggrieved by the said order, the present Writ Petition is filed.

5. The learned Counsel appearing for the petitioners submits that even though a personal notice was sent to the second respondent by registered post with acknowledgement due, the same was returned by the postal authorities with an endorsement “there is no such firm existing.” Obviously, it appears that the establishment was closed long back. But, however, to consider the matter on merits, I find that the Labour Court has elaborately discussed the matter with reference to the evidence available on record and came to the conclusion that the retrenchment effected by the management was legal and accordingly upheld the action. The learned counsel tried to convince this Court that there is no sufficient evidence to hold that there was valid retrenchment. I am afraid that I cannot dwell on this aspect, because the Tribunal which is the appropriate authority has considered the evidence on record and rendered a finding to the effect that the retrenchment is in accordance with Sections25(F) amd 25(G) of the Act. Thus, I do not find any error apparent on the face of the record.

7. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

Dated:27th August, 2004.

Ccm.

To

1. The Presiding Officer, Labour Court, Guntur (with records)

2. 2 CCs to the G.P. for Labour, High Court Buildigns, Hyderabad(OUT)

3. 2 CD Copies.